



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

ORIGINAL

UNITED STATES OF AMERICA

v.

4:14-CR-023-A (01)

CHRISTOPHER ROBERT WEAST

**REQUEST FOR COURT TO TAKE JUDICIAL NOTICE OF CONGRESSIONAL  
FINDINGS AND SUPPORTING MEMORANDUM**

Comes now the Defendant Christopher Robert Weast, by and through his attorney of record, and files this request for the Court to take Judicial Notice of Congressional Findings and a Supporting Memorandum, and show the Court the following:

I.

When the United States Congress passed the A Child Pornography Prevention Act of 1995," it made the following findings:

Congress finds:

...  
(5) new photographic and computer imaging technologies make it possible to produce by electronic, mechanical, or other means, visual depictions of what appear to be children engaging in sexually explicit conduct that are virtually indistinguishable to the unsuspecting viewer from unretouched photographic images of actual children engaging in sexually explicit conduct;

(6) computers and computer imaging technology can be used to-

(A) alter sexually explicit photographs, films, and videos in such a way as to make it virtually impossible for unsuspecting viewers to identify individuals, or to determine if the offending material was produced using children;

(B) produce visual depictions of child sexual activity designed to satisfy the preferences of individual child molesters, pedophiles,

and pornography collectors; and  
(C) alter innocent pictures of children to create visual depictions  
of those children engaging in sexual conduct;

Child Pornography Prevention Act of 1995, SENATE REPORT NO. 104-358, ' 2 (August 27, 1996); see also id. at \*7, Part I, \*8, part III., ' 2, & \*\*15-20, Part IV(b).

These finding are admissible, and this Court can take judicial knowledge of the findings:

The official report of a legislative or congressional committee is admissible in evidence in a judicial proceeding, as an exception to the hearsay rule, where the report, within the scope of the subject matter delegated to the committee for investigation, contains findings of fact on a matter which is at issue in the judicial proceeding. See Wigmore on Evidence, " 1662, 1670. Indeed the court could properly take judicial notice of the report, without its formal introduction into evidence.

Stasiukevich v. Nicolls, 168 F.2d 474, 479 (1st Cir. 1948); Fed. R. Evid. 201; *see e.g. Communist Party of U.S. v. Subversive Activities Control Bd.*, 367 U.S. 1, 170 (U.S. 1961); (taking judicial notice of congressional findings); *Maurer v. Hamilton*, 309 U.S. 598, 603, (1940) (the action of the Commission was taken as judicial notice); *Hetfield v. U.S.*, 1933 WL 1812, 1(Ct.Cl.1933); *In re Moody's Corp. Securities Litigation*, 599 F.Supp.2d 493, 504 (S.D.N.Y., 2009) (transcripts of Congressional records have been subject to judicial notice) citing *Johnson & Johnson v. American Nat. Red Cross*, 528 F.Supp.2d 462, 463 n. 1 (S.D.N.Y.2008) (finding that Congressional hearing testimony is a public record subject to judicial notice).

WHEREFORE, the Defendant requests the court at the trial to take judicial notice of the findings quoted above, and to allow the jury to consider those findings as evidence in this case.

Respectfully submitted,

JASON HAWKINS  
Federal Public Defender  
Northern District of Texas

BY: 

ANGELA R. SAAD  
Asst. Federal Public Defender  
TX State Bar No. 24059016  
819 Taylor Street, Room 9A10  
Fort Worth, TX 76102-4612  
(817) 978-2753

**CERTIFICATE OF SERVICE**

I, Angela Saad, hereby certify that on July 28, 2014, I filed the foregoing request for the Court to take judicial notice and the supporting memorandum with the clerk for the U.S. District Court, Northern District of Texas, and hand delivered the filing to AUSA Aisha Saleem.

  
ANGELA SAAD

**CERTIFICATE OF CONFERENCE**

I, Angela Saad, hereby certify that on July 28, 2014, my office conferred with AUSA Dan Cole and he stated that the government is opposed to this request for the Court to take judicial notice.

  
ANGELA SAAD